

Attorney's Docket No. TKR 2050

DECLARATION AND POWER OF ATTORNEY

**REGULAR OR DESIGN APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DNA POLYMERASES WITH ENHANCED LENGTH OF PRIMER EXTENSION

the specification of which:

(check one)

[X] is attached hereto

[ ] was filed on \_\_\_\_\_ as Application Serial No.

[ ] \_\_\_\_\_, and was amended on \_\_\_\_\_.  
[ ] was described and claimed in PCT International Application  
No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended  
under PCT Article 19 on \_\_\_\_\_, if any.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)
(Number)	(Country)	(Day/Month/Year Filed)
(Number)	(Country)	(Day/Month/Year Filed)

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

(Number)	(Country)	(Day/Month/Year Filed)
----------	-----------	------------------------

**CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S) UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,  
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

5,436,149 (Serial No.)	2/19/93 (Filing Date)	patented (Status: patented, pending, abandoned)
08/483,535 (Serial No.)	6/7/95 (Filing Date)	pending (Status: patented, pending, abandoned)

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Irving Powers (15,700), Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), G. Harley Blosser (33,650), Paul I. J. Fleischut (35,513), Vincent M. Keill (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), Rudolph A. Telscher, Jr. (36,032), Paul A. Stone (38,628), Cindy S. Kaplan (40,043), David E. Crawford, Jr. (38,118), Paul A. Maddock (37,877), Charles E. Cohen (34,565), Scott A. Williams (39,876), and Richard L. Bridge (P-40529).

Send Correspondence To:

Direct Telephone Calls To:

Customer Number: 000321

G. Harley Blosser  
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of sole or first inventor Wayne M. Barnes

Inventor's signature Wayne M. Barnes Date 9/12/97  
Residence 223 Renaldo Drive Citizenship US  
Post Office address Chesterfield, Missouri, 63017

Full name of second joint inventor \_\_\_\_\_

Second inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
Post Office address \_\_\_\_\_

ASSIGNMENT

**WHEREAS, I,** Wayne M. Barnes of Chesterfield, Missouri 63017 have invented an improvement in DNA POLYMERASES WITH ENHANCED LENGTH OF PRIMER EXTENSION (file TKR 2050) and have executed an application for a United States patent based thereon Serial Number 08/931,818 filed September 16, 1997;

**AND, WHEREAS,** Takara Shuzo Co., Ltd. of Otsu, Shiga, Japan, a corporation (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring certain rights thereunder;

**NOW, THEREFORE,** for one dollar and other good and valuable consideration, receipt of all of which is hereby acknowledged, I have agreed to and do hereby sell, assign, and transfer unto said ASSIGNEE the entire right, title, and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including divisional, continuing or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States applications or in whole or in part on said invention, and any and all patents (including extensions thereof) of any country which have been or may be granted on any of the aforesaid applications or on said invention or any part thereof;

**TO BE HELD AND ENJOYED** by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been

held and enjoyed by me had no sale and assignment of said interest been made;

**AND I** hereby authorize and request the Commissioner of Patents of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said ASSIGNEE;

**AND I** hereby agree for myself and for my heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any divisional, continuing, reissue, or other applications for patents of any country, that may be deemed necessary by said ASSIGNEE fully to secure to said ASSIGNEE its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;

**AND I** hereby covenant for myself and my legal representatives, and agree with said ASSIGNEE, its successors and assigns, that I have granted no right or license to make, use or sell said invention, to anyone except said ASSIGNEE, that prior to the execution of this deed my right, title, and interest in said invention had not been otherwise encumbered, and that I have not executed and will not execute any instrument in conflict herewith.

**IN WITNESS WHEREOF**, I have hereunto set my hand.

  
\_\_\_\_\_  
Wayne M. Barnes

ACKNOWLEDGEMENT

STATE OF Missouri)

COUNTY OF St Louis City)

December

On this 14 day of October, 1997 before me,  
Brenda C. Witschorek, a Notary Public, personally appeared Wayne  
M. Barnes to me known to be the person described in and who  
executed the foregoing assignment and acknowledged that he  
executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
seal the date and year last above written.

Brenda C. Witschorek  
Notary Public

My Commission Expires:

12/31/2000

AC

GHB/dll